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T-157 P.001/006 F-529

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## Clark & Elbing LLP

101 Federal Street  
Boston, MA 02110

Telephone 617-428-0200  
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**Date:** January 6, 2006

**To:** Ms. Vonda Wallace

**Facsimile No.:** 571-273-9021

**From:** Kimya F. Harris, Ph. D.  
Patent Agent

**Re:** U.S. Patent Application No.: 10/542,717  
ENDOCAN COMPOSITIONS AND METHODS FOR THE  
TREATMENT OF NEOPLASMS  
Our Reference: 01948/089002

**Pages:** 1 Fax Cover Sheet  
2 Reply To Notification of Missing Requirements  
3 Notification of Missing Requirements Under 35 U.S.C. 371 in the  
United States Designated/Elected Office (DO/EO/US)

**Message:**

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PATENT

ATTORNEY DOCKET NO. 01948/089002

Certificate of Facsimile Transmission	
Date of Transmission: <u>January 6, 2006</u>	
I hereby certify that this correspondence is being transmitted by facsimile Attention to: Ms. Vonda Wallace Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. Facsimile No. 571-273-9021	
<u>Alexis L. Perry</u>	<u><i>Alexis L. Perry</i></u>
Printed name of person mailing correspondence	Signature of person mailing correspondence

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Aird et al.	Art Unit:	Not yet assigned
Serial No.:	10/542,717	Examiner:	Not yet assigned
Filed:	July 20, 2005	Customer No.:	21559
Title:	ENDOCAN COMPOSITIONS AND METHODS FOR THE TREATMENT OF NEOPLASMS		

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REPLY TO NOTIFICATION OF MISSING REQUIREMENTS

In reply to the Notification of Missing Requirements that was mailed in connection with the above-captioned application on December 12, 2005, a copy of which is enclosed, applicants, as a small entity, submit the following response.

Applicants note that a Combined Declaration and Power of Attorney in compliance with 37 C.F.R. § 1.497(a) and (b), identifying the application by the international application number and international filing date was filed on November 29, 2005.

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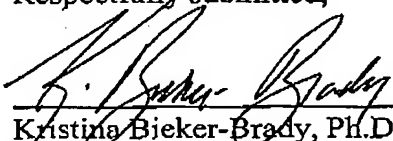
Applicants were informed by Ms. Vonda Wallace in a telephone conversation on January 4, 2006, that the \$65.00 surcharge due under 37 C.F.R. § 1.492 (h) was charged to Deposit Account No. 03-2095.

Applicants also note that the specification does not contain any nucleic acid or amino acid sequence that would require compliance with the requirements of 37 C.F.R. § 1.821-1.825. Accordingly, Applicants do not believe a sequence listing is needed.

If there are any additional charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date: January 5, 2006

  
Kristina Bieker-Brady, Ph.D.  
Reg. No. 39,109

Clark & Elbing LLP  
101 Federal Street  
Boston, MA 02110  
Telephone: 617-428-0200  
Facsimile: 617-428-7045



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/542,717	William C Aird	01948/089002

INTERNATIONAL APPLICATION NO.
PCT/US04/01668

IA FILING DATE	PRIORITY DATE
01/22/2004	01/22/2003

559  
CLARK & ELBING LLP  
11 FEDERAL STREET  
BOSTON, MA 02110

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DEC 14 2005

CLARK &amp; ELBING LLP

CONFIRMATION NO. 5758

371 FORMALITIES LETTER

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\*OC000000017632125\*

ate Mailed: 12/12/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 07/20/2005
- Copy of the International Search Report filed on 07/20/2005
- Preliminary Amendments filed on 07/20/2005
- Oath or Declaration filed on 07/20/2005
- Small Entity Statement filed on 07/20/2005
- Request for Immediate Examination filed on 07/20/2005
- U.S. Basic National Fees filed on 07/20/2005
- Priority Documents filed on 07/20/2005
- Specification filed on 07/20/2005
- Claims filed on 07/20/2005
- Abstracts filed on 07/20/2005
- Drawings filed on 07/20/2005

ACTION DUE Reply / Search Listing  
DUE DATE 2.12.06  
ESP 6.12.06  
INITIALS PLM

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:

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is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

total additional fees required for this application is \$65 for a Small Entity:

#### \$65 Surcharge.

- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 16, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment specifically directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patent Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patent Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

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A copy of this notice **MUST** be returned with the response.

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

## PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/542,717	PCT/US04/01668	01948/089002

IRM PCT/DO/EO/905 (371 Formalities Notice)

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